

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
August 30, 2000

MERIT DOCKET

00-1077. State ex rel. Henderson v. Clerk of Court, Franklin Cty. Court of Common Pleas.

In Mandamus. On complaint in mandamus by Michael Henderson. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Cook and Lundberg Stratton, JJ., concur.

Pfeifer, J., dissents and would grant the writ.

00-1115. State ex rel. Madonia v. Callahan.

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

00-1120. State ex rel. English v. Court of Common Pleas.

In Mandamus. On motion to dismiss by Hon. Thomas W. Janas, Donald J. Rothgery, Jonathan E. Rosenbaum, E. Super, Tom Nimon, et al.; motion to dismiss by Joseph R. Grunda; motion to dismiss of Lorain County Community College, and alternatively, motion for summary judgment.

Motions to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

00-1129. Lawson v. Koehler.

In Procedendo. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1201. State ex rel. Summerfield v. Wolfe.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1220. State ex rel. Harris v. Court of Common Pleas, Cuyahoga Cty.

In Mandamus. On motion to dismiss by state of Ohio, Court of Common Pleas, Cuyahoga County, Ohio. Motion to dismiss sustained. Cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1222. Novak v. Pavicic.

In Habeas Corpus. On petition for writ of habeas corpus by William Novak and request for oral argument. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1248. State ex rel. Buelow v. Ghee.

In Mandamus. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1271. Dennis v. Wilkinson.

In Habeas Corpus. On petition for writ of habeas corpus by Jon L. Dennis. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1286. Dunning v. Mason.

In Habeas Corpus. On petition for writ of habeas corpus by Yul Dunning. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg
Stratton, JJ., concur.

00-1287. Hampton v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Ronald Hampton. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

00-1298. Anderson v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by Michael S. Anderson. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

00-1336. McMellen v. Wilkinson.

In Habeas Corpus. On petition for writ of habeas corpus by William McMellen. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

00-1353. Smith v. Wilkinson.

In Habeas Corpus. On petition for writ of habeas corpus by Paul A. Smith. *Sua sponte*, cause dismissed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

00-1042. State v. Hayes.

Ashtabula App. No. 97-A-0067.

00-1046. State v. Arnold.

Greene App. No. 91CA43.

00-1063. State v. Freeman.

Allen App. No. 1-99-44.

00-1088. State v. Rudge.

Portage App. No. 95-P-0055.

00-1117. State v. Beckett.

Lucas App. Nos. L-97-1073 and L-98-1272.

00-1128. State v. Martin.

Summit App. Nos. 13954 and 18607.

00-1143. State v. Haydon.

Summit App. No. 19094.

00-1152. State v. Kent.

Crawford App. No. 3-99-21.

00-1164. State v. Muncey.

Madison App. No. CA98-03-013.

00-1175. State v. Harley.

Franklin App. No. 99AP-374.

00-1230. State v. Bluford.

Cuyahoga App. No. 75228.

MOTION DOCKET

98-1209. State v. Sanders.

Hamilton App. No. C-960253. On motion to remand to trial court for in camera review of grand jury transcript. Motion denied.

99-1152. State v. Group.

Mahoning C.P. No. 97CR66. On motion to unseal list of jurors' names. Motion granted.

00-507. Cincinnati Bell Tel. Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 96-899-TP-ALT. On motion for leave to intervene by TCG Ohio. Motion denied.

Pfeifer, J., dissents.

Sua sponte, the following items are stricken from the filings in this cause:

TCG's May 12, 2000 motion to dismiss the appeal;

CBT's May 22, 2000 memorandum opposing the intervention motion;
CBT's May 22, 2000 memorandum opposing motion to dismiss;
TCG's May 30, 2000 motion to strike a portion of appellant's memorandum
in opposition to TCG's intervention motion; and
CBT's June 6, 2000 memorandum opposing TCG's motion to strike.
F.E. Sweeney and Cook, JJ., dissent.

00-875. In re McCune.

Tuscarawas App. No. 1999AP040026. On motion for stay of execution of sentence pending appeal to the United States Supreme Court. Motion denied.
Pfeifer and Lundberg Stratton, JJ., dissent.

00-1067. Barberic v. Catholic Diocese of Cleveland.

Cuyahoga App. No. 77796. On motion for stay of court of appeals' judgment. Motion denied.
F.E. Sweeney, J., dissents.
Resnick, J., not participating.

00-1148. Maric v. Adams.

Lake App. No. 98-L-142. On review of order certifying a conflict. The court determines that a conflict exists; *sua sponte*, cause consolidated with 00-874, *Maric v. Adams*, Lake App. No. 98-L-142; causes held for the decision in 00-745 and 00-801, *Littrell v. Wigglesworth*, Butler App. Nos. CA99-05-092 and CA99-08-141; briefing schedule stayed.
F.E. Sweeney and Pfeifer, JJ., dissent.

00-1193. State ex rel. Borger v. Cissell.

In Mandamus. On answer of respondent James Cissell, Hamilton County Clerk of Courts. *Sua sponte*, alternative writ granted.
Cook, J., dissents and would dismiss the cause.

00-1211. State v. Frase.

Licking App. No. 95CA40. On motion for leave to file delayed appeal. Motion denied.
Moyer, C.J., dissents.

00-1217. State v. Laser.

Huron App. No. H-97-019. On motion for leave to file delayed appeal. Motion denied.
Resnick, J., not participating.

00-1228. State v. Jones.

Butler App. No. CA98-10-222. On motion for leave to file delayed appeal. Motion denied.

00-1247. State v. Mosley.

Montgomery App. No. 17918. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

00-1250. State v. Palmer.

Montgomery App. No. 16017. On motion for leave to file delayed appeal. Motion denied.

00-1251. State v. Ginyard.

Montgomery App. Nos. 17344 and 17372. On motion for leave to file delayed appeal. Motion denied.

00-1255. State v. Kafai.

Williams App. No. WM-99-001. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

00-1256. State v. Stoutmire.

Mahoning App. No. 96CA186. On motion for leave to file delayed appeal. Motion granted.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

00-1277. State v. Grider.

Cuyahoga App. No. 75720. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

00-1283. State v. Black.

Hamilton App. No. C-980207. On motion for leave to file delayed appeal. Motion denied.

00-1285. State v. Parrish.

Hamilton App. No. C-980147. On motion for leave to file delayed appeal. Motion denied.

00-1309. State v. Harris.

Cuyahoga App. No. 76020. On motion for leave to file delayed appeal. Motion granted.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent.

00-1315. State v. Allen.

Hamilton App. No. C-990046. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

00-1328. Hamlin v. Motel Six.

Miami App. No. 2000CA2. On motion for stay of court of appeals' judgment entry. Motion denied.

00-1333. State v. Ewell.

Cuyahoga App. No. 77192. On motion for leave to file delayed appeal. Motion denied.

00-1335. State v. Crangle.

Summit App. No. 18268. On motion for leave to file delayed appeal. Motion denied.

Douglas, J., dissents.

On motion for stay of court of appeals' judgment and motion for appeal bond. Motions denied.

00-1379. State v. Gunnell.

Franklin App. No. 99AP-1209. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

00-1390. Willoughby v. Eckersley.

Lake App. No. 99-L-061. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., dissents.

00-1454. Vance v. Vance.

Montgomery App. No. 18437. On motion for stay. Motion denied.

DISCRETIONARY APPEALS ALLOWED

00-824. Yoh v. Schlachter.

Williams App. No. WM-99-008. Discretionary appeal allowed and cause held for the decision in 00-428, *Holeton v. Crouse Cartage Co.*, Certified Question of State Law, No. 98CV7578; briefing schedule stayed.

Resnick, J., not participating.

00-839. Liposchak v. Ohio Bur. of Workers' Comp.

Jefferson App. No. 98JE26. Discretionary appeal allowed and motion for substitution of Estate of Edith M. Liposchak granted; cause held for the decision in 98-2287, *State ex rel. Liposchak v. Indus. Comm.*, Franklin App. No. 97APD10-1427; briefing schedule stayed.

Cook, J., dissents.

00-844. Hall v. Cuyahoga Cty.

Cuyahoga App. No. 77671. Discretionary appeal allowed; cause consolidated with 00-955, *Hall v. Cuyahoga Cty.*, Cuyahoga App. No. 77666; causes held for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61; briefing schedule stayed.

F.E. Sweeney, dissents.

Resnick, J., not participating.

00-851. T.W. Grogan Co. v. Grogan.

Cuyahoga App. No. 77419.

Cook, J., dissents.

Resnick, J., not participating.

00-874. Maric v. Adams.

Lake App. No. 98-L-142. Discretionary appeal allowed on Propositions of Law Nos. I and II; cause consolidated with 00-1148, *Maric v. Adams*, Lake App. No. 98-L-142; causes held for the decision in 00-745 and 00-801, *Littrell v. Wigglesworth*, Butler App. Nos. CA99-05-092 and CA99-08-141; briefing schedule stayed.

Moyer, C.J., would also allow Proposition of Law No. III.

Douglas and Resnick, JJ., would also allow all propositions of law.

F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., dissent.

00-955. Hall v. Cuyahoga Cty.

Cuyahoga App. No. 77666. Discretionary appeal allowed; cause consolidated with 00-844, *Hall v. Cuyahoga Cty.*, Cuyahoga App. No. 77671; causes held for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61; briefing schedule stayed.

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

00-962. Gerak v. Dentice.

Summit App. No. 19767.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

00-1013. Tignor v. Franklin Cty. Bd. of Commrs.

Franklin App. No. 99AP-571. Discretionary appeal allowed and cause held for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61; briefing schedule stayed.

RECONSIDERATION DOCKET

99-164. Brown v. Dayton.

Montgomery App. Nos. 16875 and 16876. Reported at 89 Ohio St.3d 245, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

99-2133. State ex rel. Nelson v. Russo.

Cuyahoga App. No. 76862. Reported at 89 Ohio St.3d 227, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

00-362. State v. Miller.

Tuscarawas App. No. 1999AP020010. Reported at 89 Ohio St.3d 1451, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

00-686. Dubinsky v. Dubinsky.

Cuyahoga App. No. 75403. Reported at 89 Ohio St.3d 1456, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Douglas and F.E. Sweeney, JJ., dissent.

00-699. State v. Harmon.

Hamilton App. No. C-990275. Reported at 89 Ohio St.3d 1452, ____ N.E.2d ____.
On motion for reconsideration. Motion denied.

00-707. Westfall v. Schwan's Sales Ent.

Guernsey App. No. 99CA19. Reported at 89 Ohio St.3d 1452, ____ N.E.2d ____.
On motion for reconsideration. Motion denied.

00-747. State v. D'Ambrosio.

Cuyahoga App. No. 75076. Reported at 89 Ohio St.3d 1453, ____ N.E.2d _____. On
motion for reconsideration. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., dissent.

00-1078. State v. Hall.

Cuyahoga App. No. 75386. Reported at 89 Ohio St.3d 1442, ____ N.E.2d _____. On
motion for reconsideration. Motion denied.

Pfeifer, J., dissents.